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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,740	04/16/2004	Yuji Kurosawa	1232-4530US1	8496
27123	7590	09/22/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,740

Applicant(s)

KUROSAWA, YUJI

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5, 7-14, 19 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7-14, 19 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## FINAL DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5,7-14,19,25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Abe** (US 5,555,294)

As to claims 5,9,11-12,19,25, **Abe** teaches a communication apparatus (Figure 2) comprising:

a setting unit (Figure 4) for setting configured to set a communication scheme in which a user determines whether or not a normal mode (bulk communication) is granted in a sending communication and a receiving communication independently (Figure 4, label S44);

a communication unit configured to conduct the normal mode (bulk communication) and a special purpose mode (non-bulk communication) with a partner via a plurality of communication channels (Figure 4); and

a control unit configured to control the number of communication channels in the sending communication and the receiving communication separately in accordance with the communication scheme set by said setting unit enabling the user to control the bulk communication in the sending communication and the receiving communication independently (Col. 5, lines 40-44).

Art Unit: 2645

As to Claims 7-8,13, **Abe** teaches the apparatus according to Claim 5, wherein said communication unit can communicate with a plurality of communication partners, and said setting unit can set the number of channels used when a communication with another communication partner is to be started while communicating using the communication channels, the number of which is controlled by said control unit (Figures 5 and 6 and Col. 6, lines 33-38).

As to Claims 10,14, **Abe** teaches the apparatus according to claim 5, wherein said communication unit can communicate using a plurality of schemes, and said setting unit can set whether or not a communication via the plurality of communication channels is granted in each of the plurality of communication schemes (Col. 6, lines 33-38).

### ***Response to Arguments***

3. Applicant's arguments filed in the 7/5/05 Remarks have been fully considered but they are not persuasive because of the following:

**Abe** teaches a normal mode where there is no idle channel and which is equivalent to the claimed and disclosed bulk communication (Col. 5, lines 40-44).

The arguments with respect to **Brakefield** were persuasive. Those rejections were withdrawn.

Examiner respectfully invites Applicant to contact Examiner to discuss possible amendments for overcoming the prior art of record.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Shimada et al.** (US 5,581,560) teaches sharing a telephone line for voice and data communications.

**Ogasawara** (US 4,888,766) teaches a plurality of ISDN terminals sharing a communication line.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks

Art Unit: 2645

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

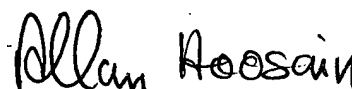
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria,  
VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The  
examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (571) 272-2600.



**Allan Hoosain**

**Primary Examiner**

**9/16/05**